IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 8124 of 2005

Between:

Sri Vemula Ravinder, S/o. Laxminarasaiah,
Prop. Of Sri Laxmi Narasimha Swamy Rythu Chicken Centre, yadagirigutta Vill & Mandal,
Nalgonda District.

..... PETITIONER

AND

1 The Panchayat Secretary, Gram Panchayat, Yadagirigutta Village and Mandal, Nalgoda.
2 The Gramapanchayat, rep. by its Secretary, Yadagirigutta Village & Mandal, Nalgonda District.
3 The Commissioner of A.P. Panchayat Raj, Himayathnagar, Hyderabad.
4 The Sarpanch, Yadagirigutta Village & Mandal, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any appropriate writ, declaring the proceedings dt. 16.3.2005 and 02.04.2005 as illegal, arbitrary, without authority of law, without jurisdiction and violative of Art. 14, 19 (1) (g), 21 and 300-A of Constitution of India and in action of 3rd respondent in not passing any orders in the review filed by the petitioner on 08.04.2005 as illegal, arbitrary, and unconstitutional.

Counsel for the Petitioner:MR.A.RAJASEKHAR REDDY

Counsel for the Respondent Nos.1,2 and 4

Counsel for the Respondent No.3: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court, at the stage of admission, made the following :

ORDER:

The petitioner is running a chicken centre in Yadagirigutta village and Mandal, Nalgonda District.

This writ petition is filed seeking a declaration that the order dated 02.04.2005 passed by the second respondent-Gram panchayat whereunder the petitioner was directed to close the shop forthwith, as arbitrary and illegal.

The petitioner states that against the said order a revision lies under Section 264 of the A.P.Panchayat Raj Act, 1994 (for short "the Act") and accordingly he preferred an revision before the third respondent-Commissioner of A.P.Panchayat Raj on 08.04.2005 along with an application seeking stay of the impugned proceedings dated 02.04.2005. However, the said application has not been considered by the third respondent and no orders have been passed so far, but in the meanwhile, steps are being taken to implement the impugned proceedings. Hence this writ petition.

On behalf of the first respondent-Gram panchayat, Yadagiri gutta, Sri.Raghavendra Reddy entered appearance and contends that such a revision is not maintainable before the third respondent-Commissioner and the petitioner ought to have preferred a revision before the Government. It is always open to the first respondent to raise such objection before the third respondlent, in which event the same will be considered in accordance with law.

Accordingly, the writ petition is disposed of with a direction to the third respondent to consider the application for stay made by the petitioner in the revision petition filed against the impugned order dated 02.04.2005 passed by the 1st

respondent and to pass appropriate orders in accordance with law, after affording due opportunity to both the petitioner as well as the first respondent to put forth their versions, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of this order. Till such time, the impugned order dated 02.04.2005 shall not be given effect to.

The writ petition is accordingly disposed of. No costs.

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13th April, 2005.

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To

1 The Panchayat Secretary, Gram Panchayat, Yadagirigutta Village and Mandal, Nalgoda District.
2 The Secretary, Gramapanchayat, Yadagirigutta Village & Mandal, Nalgonda District.
3 The Commissioner of A.P. Panchayat Raj, Himayathnagar, Hyderabad.
4 The Sarpanch, Yadagirigutta Village & Mandal, Nalgonda District.

5 2 CD copies.

6 Two C.Cs to the G.P., for Panchayat Raj and Rural Development, High Court Buildings, Hyderabad.